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Attorneys for Defendant NVIDIA Corporation

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ABDI NAZEMIAN, BRIAN KEENE, and
STEWART O'NAN, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

NVIDIA Corporation,

Defendant.

ANDRES DUBUS III and SUSAN ORLEAN,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

NVIDIA Corporation,

Defendant.

Case No. 4:24-cv-01454-JST

Case No. 4:24-cv-02655-JST

**NVIDIA CORPORATION'S NOTICE RE:
PLAINTIFFS' RULE 26(f) REPORT**

1 Defendant NVIDIA Corporation (“NVIDIA”) respectfully submits this Notice regarding
2 Plaintiffs’ filing of a “Rule 26(f) Report” (No. 4:24-cv-01454, Dkt. 59) on July 3, 2024.

3 NVIDIA understands, pursuant to Local Rule 16-9, this District’s Standing Order regarding
4 the contents of Joint Case Management Statements (“Standing Order”), and the Court’s Orders in
5 the *Nazemian* and *Dubus* cases (No. 4:24-cv-01454, Dkt. 58; No. 4:24-cv-02655, Dkt. 39), that the
6 parties’ Joint Case Management Statement, including the report specified in Fed. R. Civ. P. 26(f)(2),
7 is due on August 13, 2024.

8 The parties met and conferred pursuant to Rule 26(f) on June 19, 2024. Based on that
9 conference, NVIDIA understood that the parties would work jointly to file the Joint Case
10 Management Statement by the August 13, 2024 deadline set by the Court. On July 2, 2024, Plaintiffs
11 sent NVIDIA a draft “Joint Case Management Statement and Rule 26(f) Report,” stating for the first
12 time that they believe Rule 26(f) requires the separate filing of a report within 14 days of the Rule
13 26(f) conference (notwithstanding the deadline set by the Court), and asking NVIDIA to provide its
14 positions by the following morning. NVIDIA explained that the Standing Order expressly states
15 the Joint Case Management Statement shall incorporate the “proposed discovery plan pursuant to
16 Fed. R. Civ. P. 26(f)” and that NVIDIA will provide its positions after it has sufficient opportunity
17 to review Plaintiffs’ draft report and in advance of the Court’s deadline.

18 NVIDIA does not believe the Court intended for the parties to file a separate “Rule 26(f)
19 Report” duplicative of the contents required for the Joint Case Management Statement.
20 Accordingly, subject to any further Order or other guidance from the Court, NVIDIA intends to
21 continue to work with Plaintiffs to prepare and submit the Joint Case Management Statement by the
22 August 13, 2024 deadline set by the Court.
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1 DATED: July 5, 2024

Respectfully submitted,

2 QUINN EMANUEL URQUHART &
3 SULLIVAN, LLP

4
5 By /s/ Sean S. Pak

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7 SULLIVAN, LLP

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